UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,613	09/28/2004	Fred Bishop	03292.101090.9	5612

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/711,613	BISHOP ET AL
	Examiner	Art Unit	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/28/2004, 09/29/2004, 10/04/2004/ 03/24/2005, 03/28/2005, 04/29/2005 and 08/23/2005.

DETAILED ACTION

1.   Claims 1-24 are presented for examination.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted 09/28/2004, 09/29/2004,

03/24/2005, 03/28/2005, 04/29/2005 and 08/23/2005. The submission is in compliance

with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is

being considered by the examiner. IDS filed on 10/04/2007 and 03/28/2004 cannot be

considered because no references have been provided parent applications.

Drawings

3.   Drawing filed on 09/28/2004 is accepted by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4.   Claims 2-22 recite the limitation "A computer implemented system " in line 1.

There is insufficient antecedent basis for this limitation in the claim.

        Claim 24 recites the limitation "said pre-authorized" in line 27. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Rau et

al. (US. Pub. 2006/0178937 A1).

As to claim 1, Rau teaches a computer implemented service for updating a

merchant customer account database over a network for RF payment devices,

comprising:

a first database of information having a plurality of merchant customer records

(account table 112) (paragraph 0012);

a remote merchant customer database having a first plurality of customer

account records, each of the account records being associated with a corresponding

recurring billing account record (account table 112) (paragraph 0012);

a merchant process server for appending a merchant processing request to at

least one of said first plurality of customer accounts to produce a merchant processing

request data file for seeking approval of a transaction, the merchant process server

receiving the transaction from an RF payment device, identifying one of the account

records corresponding with the RF payment device, correlating the one account record

with the corresponding recurring billing account record (if a patron purchases a meal in a restaurant line at point of sale device 108, the total purchase price may be validated against available credit, available cash or other account-specified balance within account table 112 for completion of transaction) (paragraph 0014); and

a process server for receiving said first database of information and said merchant processing request data file, said process server configured to compare said first database of information and said merchant processing request data file to produce a first comparison data file, said first comparison data file comprising a first record including a compilation of said merchant processing requests accepted for processing by said process server for the requested transaction, said first comparison data file further comprising a second record including a compilation of said merchant processing requests rejected for processing by said process server, said process server further configured to update said first database of information in accordance with said merchant processing request data file to include approved transactions from the RF payment device on the corresponding recurring billing record (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014).

As to claim 2, Rau teaches a computer implemented service according to claim 1 wherein, said service further comprises a second database of information having a second plurality of customer transaction accounts records (multiples databases stored number of transactions) (paragraph 0019).

As to claim 3, Rau teaches a computer implemented service according to claim 2 wherein, said process server is configured to receive said second database of information, said process server configured to compare said first database of information and said second database of information to produce a second comparison data file, said second comparison file comprising a plurality of updated customer transaction account records, said process server further configured to update said first database of information in accordance with said second database of information (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014).

As to claim 4, Rau teaches a computer implemented service according to claim 3, wherein, said process server is further configured to append a provider processing instruction to at least one of said plurality of updated customer transaction account records to produce a provider processing request data file (the approve transaction to modify the table record in table 112) (paragraph 0014).

As to claim 5, Rau teaches a computer implemented service, according to claim 4, wherein said process server is configured to provide an update summary file, said update summary comprising at least one of said first comparison data file and said provider processing request data file (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within

an account table 112 and transmits the revised account table 112 information over the

RF link 104 to the transponder 102) (paragraph 0014).

As to claim 6, Rau teaches a computer implemented service according to claim

5, wherein said update summary report is provided to said merchant process server

periodically (if the transaction amount is validated, receiver 106 enters the transaction

amount, recalculates an account balance for storage within an account table 112 and

transmits the revised account table 112 information over the RF link 104 to the

transponder 102) (paragraph 0014)

As to claim 7, Rau teaches a computer implemented service according to claim 5

wherein, said merchant process server is configured to retrieve said update summary

file (if the transaction amount is validated, receiver 106 enters the transaction amount,

recalculates an account balance for storage within an account table 112 and transmits

the revised account table 112 information over the RF link 104 to the transponder 102)

(paragraph 0014)

As to claim 8, Rau teaches a computer implemented service according to claim 7

wherein, said merchant server is further configured to update said remote merchant

customer database in accordance with said update summary file (if the transaction

amount is validated, receiver 106 enters the transaction amount, recalculates an

account balance for storage within an account table 112 and transmits the revised

account table 112 information over the RF link 104 to the transponder 102) (paragraph

0014).

As to claim 9, Rau teaches a computer implemented service according to claim 1 wherein, said at least one of said first plurality of customer transaction account records is pre-authorized (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014)

As to claim 10, Rau teaches a computer implemented service according to claim 1 wherein, said at least one of said first plurality of distinct customer transaction account records is provided a merchant processing request indicating that said at least one of said first plurality of customer transaction account records is to be removed from at least one of said plurality of merchant customer records (modification of account) (paragraph 0026).

As to claim 11, Rau teaches a computer implemented service according to claim 1, wherein said at least one of said first plurality of customer transaction account records is provided a merchant processing request indicating that said at least one of said first plurality of distinct customer transaction card records requires alteration by said process server (denied or approved) (paragraph 0014).

As to claim 12, Rau teaches computer implemented service according to claim 1, wherein said remote merchant customer database is configured to be updated manually (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and

transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014).

As to claim 13, Rau teaches a computer implemented service according to claim 7, wherein said merchant server is configured to update said remote merchant customer database in accordance with said provider processing instruction (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 14, Rau teaches a computer implemented service according to claim 1, wherein said rejected merchant process request is verified (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 15, Rau teaches a computer implemented service according to claim 13, wherein said merchant process server appends said verified rejected merchant process request to said merchant process request data file (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 16, Rau teaches a computer implemented service according to claim 13, wherein said merchant process request data file includes said verified rejected

merchant process request (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 17, Rau teaches a computer implemented service according to claim 1, wherein said process server is configured to tally the number of rejected merchant processing requests (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 18, Rau teaches a computer implemented service according to claim 17, wherein said process server comprises a predetermined rejection threshold (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 19, Rau teaches a computer implemented service according to claim 18, wherein said process server compares the rejection threshold to said tally of the number of rejected merchant process request, said process server further configured reject said merchant process request data file when the rejection threshold is reached (if the amount of the transaction cannot be validated against account table 112, the point of sale device 108 may indicate "cash required" or another message that transponder validation or authorization has failed) (paragraph 0014).

As to claim 20, Rau teaches a computer implemented service according to claim 5, wherein said process server is configured to tally said accepted merchant processing request, in accordance with a merchant process request grouping (if a patron purchases a meal in a restaurant line at point of sale device 108, the total purchase price may be validated against available credit, available cash or other account-specified balance within account table 112 for completion of transaction) (paragraph 0014).

As to claim 21, Rau teaches a computer implemented service according to claim 20, wherein said update summary file comprises said tally of said accepted merchant processing request (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014).

As to claim 22, Rau teaches a computer implemented service according to claim 1, wherein at least one of said first plurality of customer transaction accounts is outdated, said process server being configured to add said outdated at least one of said first plurality of customer transaction account records to said first database of information, said outdated one of said first plurality of customer transaction account records remaining permanently fixed (if the account is inactive for days, the account may be inaccessible with error message) (paragraph 0014).

As to claim 23, Rau teaches a method of updating a merchant customer transaction account database using a computer network for RF payment devices, comprising:

receiving a first plurality of customer transaction account records, each of the account records being associated with a corresponding recurring billing account record (account table 112) (paragraph 0012);

pre-authorizing said first plurality of customer transaction account records for transactions requesting approval by a merchant system, storing said pre-authorized said first plurality of customer transaction account records on a local database, said local database being maintained by a local process server (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014);

receiving by the merchant process server the transactions from an RF payment device, identifying one of the account records corresponding with the RF payment device, and correlating the one account record with the corresponding recurring billing account record (if a patron purchases a meal in a restaurant line at point of sale device 108, the total purchase price may be validated against available credit, available cash or other account-specified balance within account table 112 for completion of transaction) (paragraph 0014);

storing said pre-authorized said first plurality of customer transaction

account records in a remote database, said remote database being accessed

through a remote process server (if the transaction amount is validated, receiver 106

enters the transaction amount, recalculates an account balance for storage within an

account table 112 and transmits the revised account table 112 information over the RF

link 104 to the transponder 102) (paragraph 0014);

providing a periodic registry file to said remote process server, said periodic

registry file comprising a update request to said pre-authorized plurality of customer

transaction account records for the requested transactions, said process server

comparing said periodic registry file to said pre-authorized said first plurality of customer

transaction account record (if the transaction amount is validated, receiver 106 enters

the transaction amount, recalculates an account balance for storage within an account

table 112 and transmits the revised account table 112 information over the RF link 104

to the transponder 102) (paragraph 0014), and updating said pre-authorized said first

plurality of customer transaction account records according to a predetermined order of

process steps, said remote process server generating a maintenance file in response to

said comparison of said periodic registry file to said pre-authorized said first plurality of

customer transaction account records (if the transaction amount is validated, receiver

106 enters the transaction amount, recalculates an account balance for storage within

an account table 112 and transmits the revised account table 112 information over the

RF link 104 to the transponder 102) (paragraph 0014);

providing said maintenance file to said local process server, said local process

server comparing said maintenance file to said pre-authorized said first plurality of

customer transaction account records on a local database (table 112 maintain the

balance after each transaction) (paragraph 0014); and

updating said pre-authorized said first plurality of customer transaction account

records on a local database in response to said maintenance file to include approved

transactions from the RF payment device on the corresponding recurring billing record

(if the transaction amount is validated, receiver 106 enters the transaction amount,

recalculates an account balance for storage within an account table 112 and transmits

the revised account table 112 information over the RF link 104 to the transponder 102)

(paragraph 0014).

As to claim 24, Rau teaches a method of updating a merchant customer

transaction account database using a computer network for RF payment devices,

comprising:

receiving a first plurality of customer transaction account records, each of the

account records being associated with a corresponding recurring billing account record

(account table 112) (paragraph 0012);

storing said first plurality of customer transaction account records on a local

database, said local database being maintained by a local process server (if the

transaction amount is validated, receiver 106 enters the transaction amount,

recalculates an account balance for storage within an account table 112 and transmits

the revised account table 112 information over the RF link 104 to the transponder 102)

(paragraph 0014);

storing said first plurality of customer transaction account records in a remote

database, said remote database being accessed through a remote process server (if

the transaction amount is validated, receiver 106 enters the transaction amount,

recalculates an account balance for storage within an account table 112 and transmits

the revised account table 112 information over the RF link 104 to the transponder 102)

(paragraph 0014);

receiving by a merchant process server the transactions from an RF payment

device, identifying one of the account records corresponding with the RF payment

device, and correlating the one account record with the corresponding recurring billing

account record (if a patron purchases a meal in a restaurant line at point of sale device

108, the total purchase price may be validated against available credit, available cash or

other account-specified balance within account table 112 for completion of transaction)

(paragraph 0014);

providing a periodic registry file to said remote process server, said periodic

registry file comprising a update request to said plurality of customer transaction

account records for transactions requesting approval by the merchant system, said

process server comparing said plurality registry file to said first plurality of customer

transaction account record, and updating said first plurality of customer transaction

account records according to a order of process steps, said remote process server

generating a maintenance file in response to said comparison of said periodic registry file to said first plurality of customer transaction account records (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014);

providing said maintenance file to said local process server, said local process server comparing said maintenance file to said first plurality of customer transaction account records on a local database (table 112 maintain transaction and balance) (paragraph 0012); and

updating said pre-authorized said first plurality of customer transaction account records on a local database in response to said maintenance file to include approved transactions from the RF payment device on the corresponding recurring billing record (if the transaction amount is validated, receiver 106 enters the transaction amount, recalculates an account balance for storage within an account table 112 and transmits the revised account table 112 information over the RF link 104 to the transponder 102) (paragraph 0014).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

BQ To
October 27th, 2007